

[PIC]

Good morning. My name is Linda Kurtz. I am the director of the Smart Meter Education Network, a group with over 2200 members throughout the state of Michigan. [PIC]

Today I will be discussing illegal DTE shut-offs, as well as shut-offs in which proper procedure was not followed. I will provide a few illustrative cases.

I will then discuss the history of the letters DTE has sent out to customers. This history shows that DTE has essentially tried to make an end-run around the rules it is required to follow as a regulated utility. It shows the lengths that the utility has gone to to avoid negative publicity.

I will discuss how the Michigan Public Service Commission has failed in its duty to—if not protect the public, at to least ensure that proper regulatory procedure be followed.

I can provide documentation supporting all of the statements made in this testimony and contact information for the individuals cited by name upon request.

The day after Labor Day, September 2016, David Redmond of Sumpter Township was shut off without notice by DTE. He awoke gasping for air because he is on a breathing machine. He had received no notice from DTE about the shut-off. After shutting him off, DTE left a notice on his door stating that a lock on his meter was a safety hazard. The real hazard was the shut-off without notice for a lock that quite a few fire departments have stated is not a hazard.<sup>1</sup>

My next example shows how DTE, in its fixation on smart meters, swept up in its net of shut-offs people who really had no interest one way or the other in the smart meters. It shows how DTE violated shut-off rules. And most importantly, it shows how DTE has changed what it considers grounds for shut-off in the time since many of its customers began actively opposing smart meters.

In the summer of 1999, Greg Burgess had had a pool put in. He called DTE to find out whether he might install a Plexiglas cover [SHOW PICTURE] over his electric meters, since the meters were near the pool. DTE told him that installing the cover was a good safety measure. For 18 years, DTE had no issue with the Plexiglas cover, which was affixed with screws.

On June 26, 2017, DTE shut off Mr. Burgess's electricity. He was not at home at the time. DTE left a notice at his door [SHOW PICTURE] stating that his electric service had been shut off because he had a "locking device" on his meter. Mr. Burgess had no locking device, only the Plexiglas cover that DTE had approved in 1999.

Mr. Burgess had not received any communication from DTE about his meter cover. He later found that DTE had sent a letter to an address that was not his service address. Under the rules, DTE must communicate with a customer by mail *at their service address*.

At the time DTE was shutting off his electricity, Mr. Burgess was returning home from viewing a property on which he had decided to make a bid of up to \$50,000. The bidding was ending within the hour. Mr. Burgess has software on his desktop computer that allows him to make bids on property, and which was the only means by which he could place the bid. As DTE had shut off his electricity, he could not place the bid. The property sold for less than \$50,000. He could have acquired the property. He lost money. He also lost the food in his fridge and his freezer, because DTE refused to restore power in a timely manner *as required by law*. In addition, since smart meter installation, both Mr. Burgess and his partner experience constant ringing in their ears.

Mr. Burgess had no particular interest in the smart meter issue, but DTE apparently assumed that the Plexiglass cover he had installed — with their approval, 18 years prior — was his attempt to thwart installation of a smart meter, and punished him accordingly.

Mr. Burgess and his partner [SHOW PICTURE] were swept up in DTE's bullying tactics against those who are—or who DTE assumes are—opposing the installation of a smart meter on their home. Mr. Burgess is not the only person who has contacted us who has been shut off after decades of having a lock on his meter.

What's the history behind this? Why was a meter enclosure suddenly a safety hazard? Why were customers who didn't care about smart meters suddenly getting shut off for, in DTE's estimation, refusing a smart meter? The history of the letters DTE has sent out provides our best window into the answer to this question.

DTE does not seem to have wanted to shut customers off for refusing a smart meter. I suspect that is in large part due to the fact that a good deal of publicity can be garnered when a customer is shut off for refusal to accept a smart meter, and I have evidence to support that. But DTE hit on a tactic that it hoped would get noncompliant customers to comply: Tell customers they were being shut off because the "locking device" on their meter was a condition that was a health and safety hazard. [SHOW PIC] Now for years — decades, even a century — DTE had had no issue with locks—*big* locks—on meters. For example, Gail Travis had kept the meters at his house and at his auto-detailing business locked for over 15 years. DTE had never taken issue with the locks. Suddenly, in June 2016, DTE shut off his electricity because his meter was locked. Like Mr. Burgess, Mr. Travis had no particular interest in the smart meter issue, yet he was swept up in DTE's hysterical punishments. His and his wife's informal complaint to the Michigan Public Service Commission is attached. The complaint was ignored and shut-off ensued.

[SHOW PIC] This is a letter like the one Mr. Travis and many others have received and continue to receive. This letter is nothing more than a *pretext* to force installation of the smart meter. The text of the letter itself makes this clear, stating [SHOW PIC]

*“your electric service will be disconnected on or after [date], if you do not remove the locking device and contact us immediately **so that we can proceed with the installation of the advanced meter.**”*

The letter doesn't say, *“so that you and your neighbors are safe,”* which is supposedly the reason for removal of the lock. It says, *“so that we can proceed with the installation of the advanced meter.”*

Christina Fortis, head of the Michigan Agency for Energy's complaint division, told me plainly that the intent of this letter is to get a smart meter installed on the customer's home. When Ms. Fortis was questioned as to why this pretext of claiming that the lock is a safety hazard was being used, Ms. Fortis replied [SHOW PIC], *“I'm not their marketing person.”* Ms. Fortis said that the commission had approved the letter, but that she was unable to provide any documentation of that approval.

How can this be legal? Locks and enclosures were not considered hazards until some customers locked their meters to prevent smart meter installation. For a while, DTE simply cut or pried both locks *and* locking devices off meter housings. But then it decided to send out the letter.

DTE's own actions belie its claim that a locking device is a danger. While the above-mentioned facts should be evidence enough in addition:

1. If there truly was a hazard that needed rapid rectification, DTE would have systematically notified all customers with locking devices throughout its service territory, that there was a hazard.<sup>2</sup> It did not do so. Moreover, it has selectively targeted customers.<sup>3</sup>
2. On more than one occasion, DTE has sent a letter to one person claiming that the “locking device” on their meter is a safety hazard—and shut that person off—yet did not send such a letter to the immediate neighbors who also had locked meters. In Joyce Starkey's case, DTE had to literally walk by a neighbor's locked meter in order to cut her electricity at the pole. Over *two years* later, neither that neighbor nor another neighbor with locked meters had been shut off.<sup>4</sup>

By claiming that a locking device on a meter was a safety hazard, DTE managed to fairly quickly avert the negative publicity that ensued when the media covered the initial shut-offs back in 2015.

After nearly two-and-a-half years of the letter stating the a locked meter is a health and safety hazard—and not a whole lot of success in getting people to cave in— DTE moved to an actual shut-off notice [SHOW PIC] under Rule 460.137, which states that the customer must provide DTE access to DTE's metering equipment.

Some customers receiving these shut-off notices had not denied access to the equipment—they had simply *requested* that a smart meter not be installed. In other cases, customers had denied access. Most customers who received this letter had a lock on their meter, but not all did. DTE shut off a number of people in August 2017. After Channel 7 and the Ann Arbor News covered the story of Ann Arbor shut-offs, *DTE immediately went back to the “health and safety hazard” letter*, sending it out just a couple of weeks later to customers in the Brighton area. While some customers did call DTE and accede to their demands, others *did not*.

Foiled again, DTE went back to the shut-off notice, but this time it added a “carrot” to the stick. In its shut-off letter, DTE added the following paragraph [SHOW PIC]:

Special short time offer for those that call now! Given that we are near the end of our installation program, if you call us prior to [REDACTED], 2017 to arrange for the meter upgrade, once the meter upgrade has been completed, you will receive a \$50 gift card as our way of saying thank you for being a valued DTE Energy customer.

DTE sent out several hundred of these letters to its “valued customers” threatening an October 23, 2017 shut-off date, and later sent more letters threatening a later date. [PIC] DTE has told the MPSC that in October and November 2017 it shut off 478 customers who, according to DTE, refused to accept a smart meter.<sup>5</sup> We have no way of knowing whether these numbers are accurate, for a variety of reasons. We do not know whether DTE includes in this figure only customers who were sent actual shut-off notices, or also customers who were shut off under the “health and safety hazard” rule, Rule 460.136. Michigan regulators do not require that utilities track why ratepayers are shut-off, the recent request from the commission in U-18486 being an exception. A person who has had a Plexiglas cover on his meter is counted the same as a true and legitimate safety hazard.

DTE sent out more letters over the next few weeks, and according to the data it submitted to the MPSC, shut off 20 people in the frigid December cold.

478 customers refused to cave in to DTE over a 2-month period and were shut off! DTE needed yet another tactic, and so tried yet another letter. [PIC] The letter pushes the bounds of absurdity, claiming that a safety hazard might include “a deck, bushes or trees, a customer-built cabinet, etc.” A deck!

DTE does have the right and the authority to shut off customers for refusing to allow the installation of a smart meter. However, here are some of the issues.

1. DTE did not call most people it shut off prior to shutting them off, as required by regulation.

2. The shut-off notice directs the customer to call a number that is for the Theft Prevention Department if they want to accept the smart meter. Why is this? These customers are not stealing electricity!
3. Many individuals who have called the number have been placed on hold for literally hours, never to speak to a person. This means that some customers who wished to comply with DTE's demand were unable to do so.
4. Other customers were able to leave a message indicating that they would accept the smart meter or opt-out smart meter, or spoke to an actual person and scheduled an installation date. *But*—we have received quite a few reports of customers who called to comply, had an installation date scheduled, *but were shut off anyway*. Some customers were home when DTE came by, told the shut-off crew that an installation had been scheduled, and the crew simply told them that it was out of their hands, and they had to shut the customer off.

Now, many members of the committee may be wondering why all these shut-offs are taking place when DTE offers an opt-out. ***The problem is, the opt-out that DTE and Consumers Energy offer does not deal with the voltage transients generated by digital meters.*** [SHOW PIC] These transients are commonly known as *dirty electricity*. If voltage transients—dirty electricity—were not an issue, many of us would not be coming to Lansing requesting passage of the Analog Meter Choice Bill. [SHOW PIC] The transients are generated when the 240 volts coming in from the power line has to be stepped down to 4 to 10 volts to run the electronics in the digital meter. The electricity then has to be stepped back up to 240 volts so that your building can be powered. The switched mode power supplies used to step the electricity down and back up are the cause of the transients, or dirty electricity, and the cause of many of the health issues that arise from smart meter installation. The transients are in the wiring and radiate out of it into the room you are in, causing physiological changes that affect some people more than others. Bawin and Adey, in 1976, were some of the first scientists to document the effect of these transients on the body. Analog meters do not generate transients.

[SHOW PIC]

Here are the thoughts and questions I would like to leave you with today:

1. DTE and the MPSC have failed to comply with some of the rules regarding shut-off. In some instances, lives have been put in danger. In others, income has been lost.
2. DTE has become so anxious about smart-meter refusal that it sees “smart meter resistance” where none exists. This has caused DTE to shut off customers for no good reason.
3. How can a lock that was not a hazard for decades suddenly become one?

4. DTE has not, in most cases, called customers, as required under the rules, prior to shut-off. While DTE can shut off customers without notice in an emergency situation, shut-off for *alleged* non-acceptance of a smart meter is not an emergency situation.
5. DTE has misused Rule 460.136 (health and safety hazard) as a basis for forcing the installation of smart meters, rather than simply using Rule 460.137 (access to meter).
6. If customers were allowed the choice of an analog meter on their home, we all would save a lot of time, angst, and money, especially since it is cheaper for DTE to use an analog meter as the opt-out meter. We would also save a great deal in health care costs, as I receive almost daily phone calls and emails from individuals who have experienced an immediate change in health with the installation of a smart or digital meter on their home.
7. It is very clear from the shut-off statistics that DTE itself has provided that the citizens of Michigan are willing to take a very strong stand to support what should be their *right* to have on their home a meter that does not negatively affect their health or privacy.

I would be very happy to answer any questions that any of you might have now or in the future. I have a lot of data to back up what I have said here. You are free to reach me at my home phone number, 734-769-4241, or email me at [SmartMeterEducationNetwork@gmail.com](mailto:SmartMeterEducationNetwork@gmail.com).

In closing, I want to add that I hope that the committee will investigate DTE's billing practices. I now have a smart meter on my home. My bill is over 250% of what it was last year at this time or in any of the previous 21 years I have lived at this address. There are many like me. The smart meter is a black box whose readings are impossible to verify.

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<sup>1</sup> Testimony has been submitted at previous hearings by Duane Roddy, Fire Chief in Luzerne Twp; Richard Wright, former Detroit fire chief; and numerous customers who queried their fire departments about the locks. I myself asked a volunteer firefighter, who had come to give me an estimate on some construction work on my home, whether he considered the locking device on my meter a safety hazard. He said that if the firefighters encountered such a locking device, they would just cut it off. "Heck," he said, "we cut through steel doors. This is nothing."

<sup>2</sup> DTE has not and did not shut off people in a systematic manner. Here are two examples:

- a. DTE sent the "locking device" letter to a few people in scattered locations in Ann Arbor in 2015. Yet there was an area of Ann Arbor where, in a ¼-mile radius, approximately 40 people had locked meters. None of those people received a notification that their locked meter was a hazard. Clearly, safety was not the issue.

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- b. In some cases, DTE would confine its “locking device” letters to people mainly in one city, but more often it would send out about 15 of these letters in areas scattered across the state.

<sup>3</sup> In many cases, meters with locks were photographed, but customers were not sent notices of a safety hazard. Instead of notifying everyone at once, or as soon as a lock was discovered, DTE sent out notices here and there. Presumably, DTE figured that customers receiving the letter would communicate with other customers, and, fearful, nearly all customers would simply remove their locks without any further action by DTE. This wasn’t about a *hazard*; it was about getting smart meters onto people’s homes, and, as just stated, the Michigan Agency for Energy confirmed this. —Well, if you want to get the meter on, be honest about it. Tell people you are shutting them off because they aren’t accepting the meter.

<sup>4</sup> In another case, DTE sent a letter to Carol Benedict in 2016. Her two next-door neighbors, whose meters were also locked, did not receive such a letter. Ms. Benedict ignored the letter and was not shut off. A year later, DTE sent an actual shut-off notice not to Ms. Benedict, but to her 91-year-old neighbor, a Korean War veteran. His electricity was cut, but Ms. Benedict and her other neighbor were untouched. Finally, late last fall, DTE sent shut-off notices to Ms. Benedict and the remaining neighbor.

<sup>5</sup> U-18486, p 6.





## DTE Shut-offs

by  
Linda Kurtz, Director  
Smart Meter Education Network

The values of DTE Energy are simple.

We see our work through the eyes of those we serve

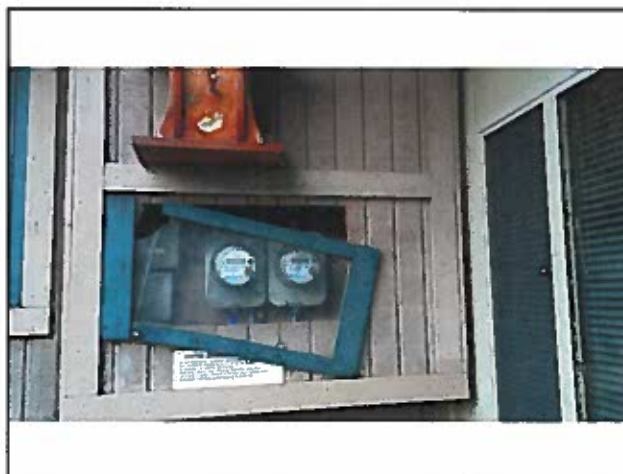
We put the health and safety of people first

From the first paragraph of DTE's Report to the MPSC in U-18486 (1/22/18) and from DTE's Code of Conduct.

 DTE Energy



Greg Burgess



Dear Mr. Burgess:

Your electric service has been interrupted for safety purposes. Please remove the locking device and call us at 1-800-441-6688 to arrange to have the new advanced meter installed and for power restored. Our office hours are Monday - Friday from 8:30 a.m. to 4:30 p.m.

During a recent visit to the above address, we found that a locking device was installed that prevented access to our metering equipment. This device is unsafe for your family and your neighbors. Please remove the locking device and call us at 1-800-441-6688 to arrange to have the new advanced meter installed and for power restored. Our office hours are Monday - Friday from 8:30 a.m. to 4:30 p.m.

The Supposed Locking Device



DTE's "Health and Safety Hazard" Letter

During a recent visit to the above address, we found that a locking device was installed that prevented access to our metering equipment. This condition is unsafe for your family and your neighbors. Pursuant to Michigan Public Service Commission (MPSC) Rule 400.126, a safety may shut off service temporarily for reasons of health or safety. For these reasons, your electric service will be disconnected **on or after 11:59 p.m. 1/31/18**. If you do not remove the locking device and contact us immediately so that we can proceed with the installation of the advanced meter, if your service is interrupted, you may be required to pay a reinstatement fee to have your service restored.

To prevent interruption of your electric service, please remove the locking device and call us at 1-800-441-6688 to arrange to have the new advanced meter installed. Our office hours are Monday - Friday from 8:30 a.m. to 4:30 p.m.



"your electric service will be disconnected on or after [date], if you do not remove the locking device and contact us immediately so that we can proceed with the installation of the advanced meter."

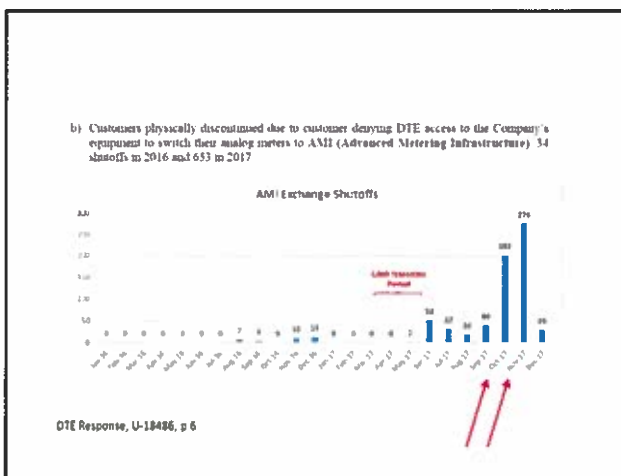
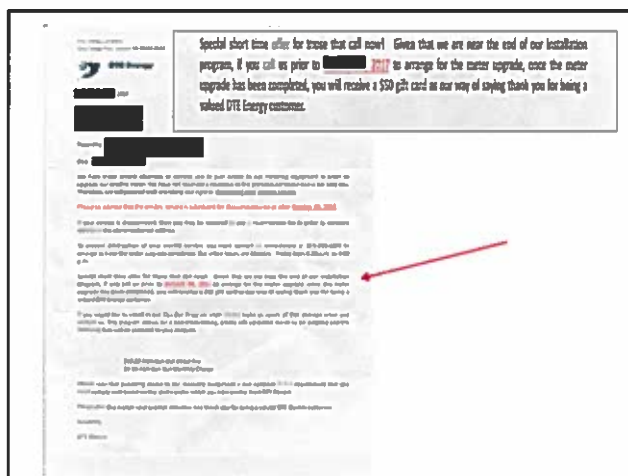
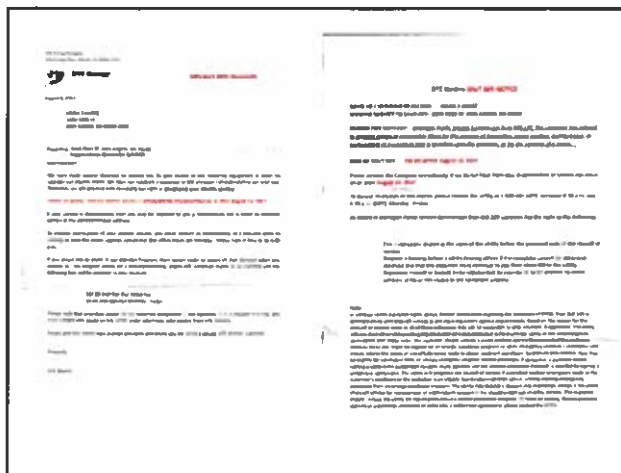
**not**

"so that you and your neighbors are safe."

During a recent visit to the above address, we found that a locking device was installed that prevented access to our metering equipment. This condition is unsafe for your family and your neighbors. Pursuant to Michigan Public Service Commission (MPSC) Rule 400.126, a safety may shut off service temporarily for reasons of health or safety. For these reasons, your electric service will be disconnected **on or after 11:59 p.m. 1/31/18**. If you do not remove the locking device and contact us immediately so that we can proceed with the installation of the advanced meter, if your service is interrupted, you may be required to pay a reinstatement fee to have your service restored.

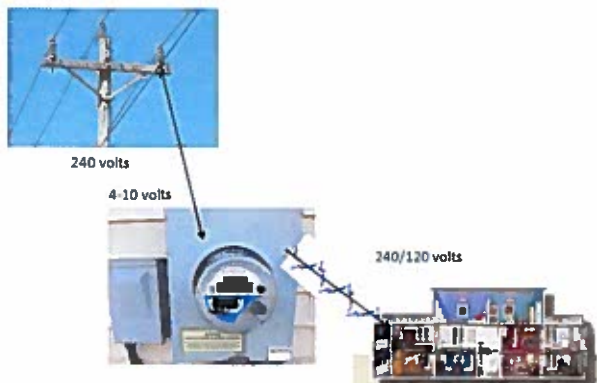
To prevent interruption of your electric service, please remove the locking device and call us at 1-800-441-6688 to arrange to have the new advanced meter installed. Our office hours are Monday - Friday from 8:30 a.m. to 4:30 p.m.

"I'm not their marketing person."



One record indicates that JFJ's representatives have made multiple visits to this site in relation to the electric motor, but reported that the replacement could not be completed due to an obstruction(s) near or at the motor, such as a duct, bundle of pipes, a customer-built cabinet, etc.

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**We see our work through the eyes of those we serve**

DTE shut off 650 people in 2017 to punish them because they wanted an analog meter on their home

From the first paragraph of DTE's Report to the APSC in U-18486 (1/22/18) and from DTE's Code of Conduct.